

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

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IN RE STATE STREET BANK AND  
TRUST CO. FIXED INCOME FUNDS  
INVESTMENT LITIGATION

MDL No. 1945

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PRUDENTIAL RETIREMENT INSURANCE  
AND ANNUITY COMPANY,

Plaintiffs,

v.

No. 07 Civ. 8488 (RJH)

STATE STREET BANK & TRUST  
COMPANY and STATE STREET GLOBAL  
ADVISORS, INC.,

**ORAL ARGUMENT REQUESTED**

Defendants.

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**STATE STREET'S CROSS MOTION FOR SUMMARY JUDGMENT**

Defendant/Counterclaim Plaintiff State Street Bank and Trust Company ("State Street"), based upon the accompanying Rule 56.1 Statement of Undisputed Material Facts, Declaration of Daniel J. Maher with attached exhibits 1-116 dated July 2, 2010, and Memorandum of Law in Support, and upon all the pleadings and proceedings heretofore had herein, hereby moves this Court for an order granting partial summary judgment in favor of Defendant/Counterclaim Plaintiff's First Counterclaim (Contribution and/or Indemnification) from its October 27, 2008 Answer and Counterclaim, and granting Defendant/Counterclaim Plaintiff such other relief in its favor as the Court deems proper. Pursuant to Your Honor's Individual Practices, State Street requests oral argument.

Dated: July 2, 2010

ROPES & GRAY LLP

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